



ANNO TERTIO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## *Cap. xxxviii.*

An Act for more effectually repairing the Road from the Twenty Mile Stone on *Egham Hill* in the County of *Surrey* to a Place called *Basingstone*, near the Town of *Bagshot* in the Parish of *Windlesham* in the same County.

[6th May 1833.]

**W**HEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for more effectually repairing the Road from the Twenty Mile Stone on Egham Hill in the County of Surrey to a Place called Basingstone, near the Town of Bagshot in the Parish of Windlesham in the same County*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the said Act into execution, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which still remain due; and the said Road cannot be effectually amended and kept in repair, nor can the several Sums of Money so borrowed and owing, and the Interest thereof, be paid, unless the Term granted by the said Act be further continued, the Powers and Provisions thereof altered and enlarged, and the Tolls thereby granted varied, equalized, or increased: And whereas it would tend to the Accommodation of

[Local.]

10 P

the

the Public at large if Powers were granted to divert a certain Part of the said Road, by making a new Line of Road commencing at a certain Arable Field in the said Parish of *Windlesham* in the said County of *Surrey*, in the Occupation of *John Lane*, situate on the South Side of the present Road, and terminating in a Front Court in the Occupation of *James Varndale*, and there rejoining the present Road, and which said Diversion will pass through the Parish of *Windlesham* in the said County of *Surrey*: And whereas it is also expedient that Powers should be granted to take down and remove certain Buildings and Gardens for the widening and improving other Parts of the said Road: And whereas it is expedient that the said recited Act of the Fifty-seventh Year of His said Majesty King *George* the Third should be repealed, and other and more effectual Powers granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and the several Powers, Provisions, Matters, and Things therein contained, shall be and the same are hereby repealed.

Recited Act repealed;

and this Act to take effect.

II. And be it further enacted, That in lieu thereof this Act shall commence and take effect and be put in execution for and during the Term herein-after mentioned, for repairing, widening, and improving the Road from the Twenty Mile Stone on *Egham Hill* in the County of *Surrey* to a Place called *Basingstone*, near the Town of *Bagshot* in the Parish of *Windlesham* in the same County.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Surrey*, together with *George Cotes Ascough*, the Reverend *John Leigh Bennett*, *Thomas Challonor*, *Bisse Challoner*, *Richard Henderson Clarke*, *Edmund Currey Edgell*, *Wyatt Edgell*, *Richard Wyatt Edgell*, the Right Honourable Sir *William Henry Fremantle*, *James Charles Fyler*, Sir *John Gibbons* Baronet, the Reverend *John Whalley Gostling*, *Francis Hartwell*, the Reverend *Charles Jerram*, *Henry Salway*, *Culling Charles Smith*, the Reverend *Thomas Snell*, *Charles Stirling*, *John Stapleton*, *Samuel Thornton*, *Benjamin Torin*, *Francis Whitwick*, *Thomas Wood*, and their Successors, being duly qualified according to the Laws in force respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected in manner directed by the Laws in force respecting Turnpike Roads in *England*, are hereby appointed Trustees for putting the several Acts respecting Turnpike Roads in *England* and this Act into execution.

First Meeting of Trustees.

IV. And be it further enacted, That the said Trustees shall meet together at the *Wheatsheaf Inn* at *Virginia Water* in the said Parish of *Egham* in the said County of *Surrey*, or at some other convenient House or Place, on the Third *Monday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and proceed to carry this Act into execution.

V. And be it further enacted, That it shall and may be lawful to and for the Trustees appointed by this Act, or any Five or more of them, and they are hereby authorized, at any Meeting to be held for that Purpose, to elect, nominate, and appoint any additional Number of Trustees, not exceeding Five in the whole; and such Trustees so elected and appointed, being qualified as aforesaid, shall be Trustees for the Purposes of this Act, and shall have the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed Trustees.

Trustees may appoint additional Trustees not exceeding Five in the whole.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby empowered to make and maintain a new Line or Diversion of Road commencing at a certain Arable Field in the Parish of *Windlesham* in the County of *Surrey*, in the Occupation of *John Lane*, situate on the South Side of the present Road, and terminating at a Front Court in the Occupation of *James Varndale*, and there rejoining the present Road, and which Diversion or new Line will pass through the said Parish of *Windlesham* in the said County of *Surrey*.

Trustees empowered to make the new Road.

VII. And whereas a Map or Plan describing the Line of such intended Diversion of the said Road, and the Lands over and through which the same is intended to be carried, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Surrey*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Surrey*, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies or Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making such Diversion of the said Road shall not deviate from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over or through whose Lands or Grounds such Deviation shall be made.

Map and Plan to remain in the Custody of the Clerk of the Peace, and be open to Inspection.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion of the said Road into, through, across, or over the several Lands, Tenements, or Hereditaments of any Person or Persons who is, are, or may be the Owner or Owners, Occupier or Occupiers of Lands, Tenements, or Hereditaments over which the same or any Part thereof is or are mentioned and described in this Act, or in the said Map or Plan, List or Schedule in this Act mentioned or contained, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in this Act, or in the said Map or Plan, or List or Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County of *Surrey*, and be certified in Writing under

Misnomers not to prevent Execution of the Act.

under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees empowered to take Houses and Premises for the Purpose of improving the Road.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, for the Purpose of diverting, widening, and improving the said Road, to take, use, and lay into the said Road the Houses, Outhouses, Buildings, Gardens, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, first making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby.

Trustees not to take Houses after Expiration of Five Years, without Consent.

X. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years after the passing of this Act, agree for or cause to be valued and purchased the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them thereby and hereby granted for such Purpose shall cease, determine, and be utterly void and of no Effect, save and except with the Consent of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, any thing herein contained to the contrary thereof in any-wise notwithstanding.

Tolls.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to demand and take or cause to be demanded or taken the several Tolls following at each and every of the Toll Gates, Turnpikes, or Side Bars set up or continued upon or across the Road by this Act authorized to be maintained and kept in repair, or on the Side or Sides thereof, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say,)

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Sociable, Chaise, Curricule, Whiskey, Car, Taxed Cart, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Sixpence :

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Four-pence :

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels whereof shall be of less Breadth than Six Inches on the Bottom or Sole thereof and not less than Four and a Half Inches, the Sum of Five-pence :

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage the Fellies of the Wheels whereof shall be of a less Breadth than Four and a Half Inches at the Bottom or Sole thereof, the Sum of Sixpence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence :

For every Score of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence ; and so in proportion for any greater or less Number :

For

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence ; and so in proportion for any greater or less Number : For every Carriage propelled by Steam or Gas, for each Wheel of such Carriage the Sum of Sixpence :

Which said several Tolls shall commence and be payable at such Time or respective Times as the said Trustees shall at their First or any subsequent Meeting or Meetings think proper and direct ; and in the meantime the same and the like Tolls shall be taken and continued at the several Toll Gates, Turnpikes, and Side Bars erected and set up in, upon, or across or on the Sides of the said Road, or any Part or Parts thereof, as shall be taken at the Time of passing this Act.

XII. And be it further enacted, That in case the Tolls hereby imposed shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected on the said Road, such Horse, Beast, Cattle, or Carriage shall, on a Ticket being produced denoting such Payment (which Ticket the Collector of such Tolls is hereby required to deliver *gratis* on the Payment of the Toll), be permitted to pass and repass Toll-free on the same Day before Twelve of the Clock at Night through the same or any other Turnpike or Toll Gate freed by such Payment ; provided that no Horse or other Beast of Draught for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing, for Payment, Hire, or Reward, a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupois, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Bars in the same Day without again paying Toll, if in so repassing such Horse or other Beast of Draught shall go or travel upon the same Road for the Distance of Three Miles.

Horses having paid Toll may repass on the same Day Toll-free upon producing a Ticket.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, and for and in respect of any Carriage propelled by Steam or Gas, conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road : Provided always, that no further or additional Toll shall be payable for or in respect only of the Horses drawing the same having been changed.

Stage Coaches to pay every Time of passing and repassing.

XIV. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught for which the Post Horse Duty shall be payable, travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road on the same Day, as often as a fresh Hiring thereof shall take place.

Post Chaises to pay every Time of passing with a fresh Hiring.

XV. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and

Application of Monies.

[Local.]

10 Q

produced

produced by virtue of the said recited Act hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively, together with lawful Interest for the same; secondly, in respectively paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of any of the Tolls or Duties payable on the Road by this Act directed to be diverted, widened, improved, and kept in repair; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and preserving the Road by this Act directed to be diverted, widened, improved, and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, and otherwise in executing the Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Priority  
of Mort-  
gages.

XVI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or for advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Security hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commence-  
ment and  
Continuance  
of Act.

XVIII. And be it further enacted, That this Act shall commence upon the Third *Monday* after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

## SCHEDULE to which this Act refers.

No. on Plan.	Description of Premises.	Owners.	Occupiers.	Quantity.		
				A.	R.	P.
1.	Part of Arable Field	John Lane - -	Himself - -	0	0	1
2.	Part of Arable Field	George Burchett - -	Himself - -	0	0	5
3.	Part of Arable Field	Ann Hall - -	Charles Ward - -	0	1	0
4.	Part of Arable Field	William Rogers - -	Himself - -	0	2	38
5.	Part of Meadow in front of his House	John Lane - -	Himself - -	0	2	18
6.	Small Garden	John Lane - -	Himself - -	0	0	1
7.	Barn, Stables, and Yard	John Lane - -	Ditto and William Dore - -	0	0	28
8.	A Cottage	John Lane - -	Abraham Cannon - -	0	0	13
9.	Garden	Habakkuk Robinson	Himself - -	0	0	13
10.	House, Outbuildings, and Yard	Habakkuk Robinson	Himself - -	0	0	6
11.	Barn and Outbuildings in Tan Yard	Habakkuk Robinson	Edmund Nicholls - -	0	0	18
12.	Outbuildings and Yards	William Rogers	Edward and John Martin - -	0	0	7
13.	Piece of Land adjoining Road, exclusive of Water	Trustees of Road - -	Themselves - -	0	0	6
14.	Part of Garden	John Laird - -	Himself - -	0	0	7
15.	House, &c.	John Laird - -	Himself - -	0	0	7
16.	House, &c.	John Laird - -	Richard Plummer - -	0	0	3
17.	House, &c.	William Carver sen.	Empty - -	0	0	3
18.	House, &c.	William Carver sen.	William Carver jun.	0	0	8
19.	House, &c.	Samuel Mumford - -	Thomas Frost - -	0	0	8
20.	House, &c.	Samuel Mumford - -	Thomas Frost - -	0	0	8
21.	House, &c.	Samuel Mumford - -	William Morgan - -	0	0	2
22.	Part of Garden	James Varndell - -	Himself - -	0	0	2
23.	Part of Front Court	James Varndell - -	Himself - -	0	0	2
				2	1	1

LONDON : Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1833.

